Patent Application No. 09/663,335
Amdt. Dated May 25, 2006
Reply to Office Action of Jan. 25, 2006

Docket No. MET2.PAU.23

REMARKS

This Amendment is responsive to the Official Action dated January 25, 2006.

Claims 20 – 31 remain in the application. Claims 1-19 have been cancelled, without prejudice to for the filing of Divisional Applications. Claims 20 and 28 have been amended, herein. Of the claims under consideration, claims 20 and 28 are independent. For simplification, Applicants' herein refer to the specific paragraphs in its patent application publication to refer to the specification.

I. Cancellation of Claims 1-19

In response to the previous Restriction Requirement in this case, Applicant elected Claim Group III for prosecution on the merits. Claims 1-19 were withdrawn from consideration as being drawn to non-elected Claim Groups. Applicant herewith cancels Claims 1-19, without prejudice, and has filed Divisional applications to prosecute those non-elected claims concurrently with the instant application.

II. Rejection of Claims 20-31

The Office Action dated January 25, 2006, rejected Claims 20-31 as either being anticipated by Ellis et al. (USP 6,898,762), or being obvious from the combination Ellis in view of Shah-Nazaroff et al. (USP 6,317,881).

Applicant respectfully traverses the rejection of the claims as being either anticipated or rendered obvious from the cited art, and Applicant has hereby amended the claims to more

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clearly distinguish the claims over the references.

Specifically, Applicants' have herein amended independent claims 20 and 28 to show

that Applicants' viewer preference determination module is created and maintained at the

viewer's home and not at a broadcast server as shown in the cited art and differentiated in

Applicants' Background of the Invention. This usage of a Preference Determination Module at

the viewer's home allows the more robust system of Applicants' presently claimed invention and

maintains the privacy of the viewer. See generally, Applicants' Specification Paragraphs 0118-

0122 which help show how the Preference Determination Module is maintained, updated and

stored at the viewer's home electronics.

As discussed in Applicants' application, the presently claimed invention describes a

personal TV System which provides a closed system at the viewer's home to analyze and

maintain the viewing preference analysis within a Set Top Box.

As opposed to Ellis, Applicant's presently claimed invention creates a Personal

Preference Database 110 within a Set Top Box 106. See generally, Applicants' Fig. 1 and Fig. 2

which show the Personal Preference Database 110 at the User's end of a broadcast network 122.

As discussed in Applicants' Abstract, Applicants' Personal TV System receives a plurality of

video segments and information constituting a TV program information describing each video

segment from a broadcast network 122. (See Fig. 2). That is the end of the broadcast network's

involvement in storing, maintaining and updating viewer preferences.

Instead, the system of the presently claimed invention then controls the display of the

segments to a viewer in accordance with personal preferences of the viewer maintained, updated

and stored at the viewer's home. The display of the programming is then coordinated between

the "home stored, maintained and updated" viewer preference database and the description of

each segment provided with the programming.

The specification explains that it would be problematic to create a model of the individual

viewing preferences of each individual user and then upload the information to a server for at

least two reasons: (a) bandwidth and space and (b) privacy concerns of the user. See,

Background of the Invention, Paragraph 0005,

> ...At the same time a mathematical model derived by monitoring the behavior of a single
> user may be inaccurate because of the limited amount of information which can be
> gathered by watching only a single user for a short period of time. Sending the entire
> sample of behavioral pattern of the sample population to every viewer device to aid
> computation of the mathematical model is counter-productive because of the high cost of
> bandwidth required to transmit this information to each device and the processing power
> and memory requirement for the viewer device to process this information. Sending
> personal viewing habits of every user to a server to compute the mathematical model for
> the individual user would raise privacy concerns for the viewer and also requires a return
> channel from the viewer device to the server.

Thus, the presently claimed invention is meant to provide an improvement over the type

of technology where a Server is provided to review and analyze viewing habits and transmit pre-

determined television programming to a user based upon the viewing habit model held at the

Server level.

Each of the references cited in the Office Action provide a Server based analyzer which

receives communications from the Individual viewer's personal electronics to the Server and

then the Server dictates the programs that are transmitted to the User.

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For example, Ellis provides a serial video transmission system with an Interactive

Program Guide that is maintained at a Server.   As discussed in Ellis, all of the viewer interaction

with the Program Guide is done by the viewer communicating with the Server.   Therefore, the

viewer maintains none of the privacy concerns addressed by the presently claimed invention and

eliminates the ability to provide the more robust viewer preference determination systems of the

presently claimed invention.

Referring to Ellis' Col 2, lines 4-59, and highlighting the most pertinent portions:

Each television distribution facility has a program guide server. If desired, program guide
servers may also be located at cable system network nodes or other facilities separate
from the television distribution facilities or other distribution facilities. Each program
guide server stores the program guide data provided by the main facility and <u>provides
access to the program guide data to program guide clients implemented on the user
television equipment of a number of users</u> associated with each television distribution
facility. **The program guide servers may also store user data, such as user preference
profiles, parental control settings, record and reminder settings, viewing history,
and other suitable data.**

<u>Providing program guide data with a program guide server and storing user data on the
server</u> may provide users with opportunities to perform various functions that may
enhance the users' television viewing experience. <u>Users may, for example, set user
preference profiles or other favorites that are stored by the program guide server and used
by the server to customize the program guide viewing experience for the user.</u> The
program guide server may filter program guide data based on the user preference profiles.
<u>Only data that is of interest to the user may then be provided to the guide client, thereby
tending **to minimize the memory requirements of the user's television equipment and
lessen the bandwidth requirements of the local distribution network**</u>.

A client-server based architecture may also provide users with the ability to search and
sort through program related information in ways that might not otherwise be possible
<u>due to the limited processing and storage capabilities of the users' television equipment</u>.
If desired, users may be provided with access to program guide data without requiring
them to navigate the Internet. Users may, for example, define sophisticated boolean or
natural language expressions having one or more criteria for searching through and
sorting program guide data, scheduling reminders, automatically recording programs and
parentally controlling programs. The criteria may also be derived by the program guide
server or program guide client from user profiles or by monitoring usage of the program
guide. **The criteria may be stored on the program guide server**. Users may be

provided with an opportunity to access, modify, or delete the expressions.

The program guide server may also track the users' viewing histories to provide a user-customized program guide experience. Programs or series of episodes users have watched may be identified and used by the program guide, for example, to inform users when there are showings in the series that the users have not watched. The program guide may, for example, provide viewing recommendations based on a user's viewing history and, if appropriate, on **user preference profiles or other criteria stored by the program guide server**. The program guide may also target advertisements toward users based on the viewing histories or criteria, and may track the viewing of programs to generate viewership ratings.

Thus, as shown above not only does Ellis not provide any type of Preference Determination Module is maintained, updated and stored at the viewer's home electronics, Ellis actually teaches away from the type of system implemented by the presently claimed invention by seeking to minimize the storage and processing capacities at the viewer's electronics. Thus, Applicants respectfully traverse the Office Action's interpretation of Ellis. Ellis does not teach or render obvious any type of viewer profiling or preference determination as taught by the presently claimed invention.

Since Ellis is the main reference supporting the rejections of the claims under Sections 102 and 103, Applicants respectfully request that the rejections be withdrawn.

Applicants respectfully submit that the dependent claims are allowable for their dependence on the allowable independent Claims and for their own novel sub-features.

Applicants also traverse the interpretation of Shah-Nazaroff as either anticipating or rendering obvious the claimed invention whether alone or in combination. In fact, Shah-Nazaroff clearly teaches away from the presently claimed invention. Specifically, Shah-

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Nazaroff provides a system for collecting and providing viewer feedback to broadcasters. This is clearly understood from the first sentence in the Abstract of Shah-Nazaroff. Thus, Shah-Nazaroff clearly does not render obvious, and in fact teaches away from, a closed system which creates viewer profiles and Preference Determination Modules stored on a viewer storage device to protect a viewer's privacy and enable more robust preference determination in the viewer's home electronics, as claimed in Applicants' presently claimed invention.

Therefore, Applicants' request that the rejection of claim 30 be withdrawn.

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CONCLUSION

For these, and other, reasons, Applicants believe that the claims are in condition for

allowance. Applicant respectfully requests an expedient issuance of the Notice of Allowance.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900

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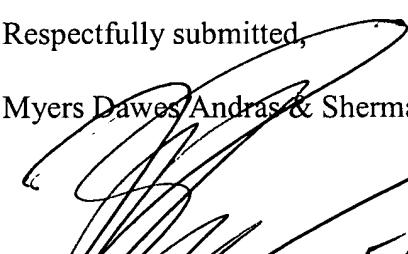
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Respectfully submitted,

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5/25/6

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